

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

*In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation*

This document relates to:

*Commonwealth of Puerto Rico v.
Shell Oil, et al.,*
USDC-SDNY Civ. No. 07-10470(VSB)
USDC-PR Civ. No. 07-01505 (CCC)

*Commonwealth of Puerto Rico v.
Shell Oil, et al.,*
USDC-SDNY Civ. No. 14-01014 (VSB)
USDC-PR Civ. No. 13-01678 (ADC)

Master File No. 1:00 – 1898
MDL 1358 (VSB)
M21-88

Civil Action

**JOINT MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE
UNDER FED. R. CIV. P. 41(a)(2) AS TO
TOTAL PETROLEUM PUERTO RICO CORP. AND REQUEST FOR ENTRY OF
PARTIAL JUDGMENT**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff the Commonwealth of Puerto Rico (the “Commonwealth” or “Plaintiff”), and Defendant Total Petroleum Puerto Rico Corp. (“TPPRC”) (Plaintiff and TPPRC are collectively referred to herein as the “Parties”) request the Court enter the proposed order dismissing *with prejudice* all claims against TPPRC.

1. TPPRC was served with process in the cases No. 07-cv-01505 (CCC) (“Puerto Rico 1”) and Case No. 13-cv-01678 (ADC) (“Puerto Rico 2”) initially filed in the United States District Court for the District of Puerto Rico, which were consolidated in MDL 1358 in the United States District Court for the Southern District of New York, Civil Case Nos. 07-Civ-10470(VSB) and 14-01014 (VSB) (hereafter referred to as “the Litigation”).

2. TPPRC has served answers in the Litigation.

3. The Parties have agreed to the dismissal *with prejudice* of TPPRC from the Litigation.

4. The Parties respectfully request that the Court dismiss TPPRC *with prejudice* from the Litigation and that the Court (1) make an express determination that there is no just

reason for delay and (2) direct entry of final judgment as to only Defendant Total Petroleum Puerto Rico Corp. in Case Nos. 07-10470 (VSB) and 14-1014 (VSB) pursuant to Federal Rule of Civil Procedure 54(b).

5. The Parties stipulate that the partial judgment will be firm, final and unappealable on the date it is issued, without imposition of costs or attorneys' s fees.

RESPECTFULLY SUBMITTED.

In New York, New York, this 3rd day of December, 2020.

***Attorneys for Plaintiff The Commonwealth
of Puerto Rico***

Inés Del C. Carrau Martínez
Secretary of Justice

Wandymar Burgos Vargas
Deputy Secretary in Charge of Litigation
Department of Justice
P.O. Box 9020192
San Juan PR 00902-0192
Tel. 787721-2940 ext. 2647, 2650
Email: wburgos@justicia.pr.gov

s/Orlando H. Martínez-Echeverría
Orlando H. Martínez-Echeverría
ORLANDO H. MARTINEZ LAW OFFICES
Centro de Seguros, Suite 413
701 Ponce de León Avenue
San Juan, Puerto Rico 00907
787-722-2378 (phone)
787-724-0353 (fax)

s/John K. Dema
John K. Dema (*admitted pro hac vice*)
LAW OFFICES OF JOHN K. DEMA, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S. Virgin Islands 00820-5008
340-773-6142 (phone)
340-773-3944 (fax)

***Attorneys for Defendant Total Petroleum
Puerto Rico Corp***

s/Elaine Maldonado Matías
Elaine Maldonado Matías
Lee Sepulvado Ramos

SEPULVADO, MALDONADO & COURET
304 Ponce de León Avenue
Suite 990
San Juan, Puerto Rico 00918
787-765-5656 (phone)